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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,261	06/06/2001	Tandy G. Willeby	017402.000009	5178
25883	7590	12/04/2006	EXAMINER	
HOWISON & ARNOTT, L.L.P.			BROWN, CHRISTOPHER J	
P.O. BOX 741715			ART UNIT	
DALLAS, TX 75374-1715			PAPER NUMBER	

2134

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/874,261	<b>Applicant(s)</b> WILLEBY, TANDY G.	
	<b>Examiner</b> Christopher J. Brown	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

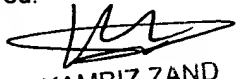
#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
KAMBIZ ZAND  
PRIMARY EXAMINER

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 9/25/2006 have been fully considered but they are not persuasive.

As per claims 1, 8, 11, 18, and 21 the applicant argues that Russell US 2002/0069420, only teaches allowing access in accordance with confirmation. The applicant argues that claims 1, 8, and 11 state "validating the client system to have access to the server resource in accordance with such confirmation" or something substantially similar. The examiner asserts that Russell meets the claim limitations. Russell teaches that the system "confirms" the users geographic location and then verifies (or validates) according to a table whether or not that location is acceptable.

As per claim 21, The applicant has amended claim 21 to overcome the USC 112 1<sup>st</sup> paragraph rejection by the examiner. The examiner still cannot find support for the claim limitations in the instant specification. The examiner encourages the applicant to state where in the instant specification support for the amendments to claim 21 can be found. The examiner cannot locate support for "geographically undefined network address" and "defining at the server a geographic location associated with the network address". If the applicant wishes to argue that this is inherent in the applicants invention, it is also inherent in the examiners prior art.

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A rejection substantially similar to the previous rejection is included below:

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 states an “undefined network address”, the examiner cannot find support for this in the instant specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 8, 11, 13, 18, and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell US 2002/0069420.**

As per claims 1, 8, 11, and 18, Russell teaches a system wherein a server receives a request for a resource from a client, [0087]. Russell teaches determining an IP address of the client by having the client submit its IP address to the server, [0091]. Russell teaches confirming that the ip address is within an authorized geographic location [0056], [0091]. Russell teaches allowing access in accordance with confirmation [0091].

As per claims 3, and 13, Russell teaches confirming occurs by searching a database on a name-server system, [0056], [0091].

As per claims 22-25 Russell teaches validating the user, [0091].

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 6, 7, 10, 14, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell US 2002/0069420 in view of Alcorn US 6,104,815.**

As per claims 4, and 14, Russell fails to teach a GPS system.

Alcorn teaches using a GPS system with the client, (Col 3 line 60, Col 6 line 64- Col 7 line 8).

It would have been obvious to one of ordinary skill in the art to use the GPS of Alcorn with the system of Russell so that the user could send more precise location data.

As per claims 6, 10, 16, and 20 Russell fails to teach online gambling.

Alcorn teaches wherein the application is a gambling application, (Col 3 line 57, Col 7 lines 8-22).

It would have been obvious to one of ordinary skill in the art to use the gambling application of Alcorn with the system of Russell US because it allows users to access casino games without leaving the home.

As per claims 7, and 17 Russell fails to teach entering a passcode.

Alcorn teaches entering a passcode for verification (Col 3 line 61, Col 7 lines 3-7).

It would have been obvious to one of ordinary skill in the art to use the passcode of Alcorn with the system of Russell because the passcode enhances the security of the system.

**Claims 5, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell US 2002/0069420 in view of Joao US 5,903,830.**

As per claims 5, 9 and 15, and 19 Russell does not teach where the application is an automated teller application.

Joao teaches a system with a financial access application on the server, (Col 4 lines 10-20, and Col 8 lines 33-40).

It would have been obvious to one of ordinary skill in the art to use the financial application of Joao with the system of Russell so that people could securely make financial transactions while mobile.

**Claims 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell US 2002/0069420 in view of Thompson US 20020022483.**

As per claim 21 Russell teaches a system wherein a server receives a request for a resource from a client, [0087]. Russell teaches determining an IP address of the client by having the client submit its IP address to the server, [0091]. Russell teaches confirming that the ip address is within an authorized geographic location [0056], [0091]. Russell teaches allowing access in accordance with confirmation [0091].

Russell does not teach the network is an agnostic network.

Thompson teaches use of an agnostic network [0044].

It would have been obvious to one of ordinary skill in the art to use the agnostic network of Thompson with the system of Russell, because the agnostic network allows for mobility of the user.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

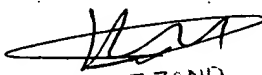


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

11/28/06



KAMBIZ ZAND  
PRIMARY EXAMINER